National Security (State Threats) Bill

EXPLANATORY NOTES

Explanatory notes to the Bill, prepared by the Home Office, are published separately as Bill 12—EN.

EUROPEAN CONVENTION ON HUMAN RIGHTS

Secretary Shabana Mahmood has made the following statement under section 19(1)(a) of the Human Rights Act 1998:

In my view the provisions of the National Security (State Threats) Bill are compatible with the Convention rights.

National Security (State Threats) Bill

[AS INTRODUCED]

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[AS INTRODUCED]

A

B I L L

TO

Make provision for the designation of bodies involved in foreign power threat activity; to create offences relating to bodies designated under this Act; and for connected purposes.

BE IT ENACTED by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Designation of bodies involved in foreign power threat activity

(1) The National Security Act 2023 is amended as follows.

(2) After section 33 (foreign power threat activity and involvement in that activity) insert—

"Designation of bodies involved in foreign power threat activity 5

33A Power to designate bodies involved in foreign power threat activity

(1) The Secretary of State may by regulations designate a body for the purposes of this Part if the Secretary of State—

(a) reasonably believes that the body is, or has been, involved in foreign power threat activity (see section 33), and 10

(b) considers that designating the body is necessary to protect the safety or interests of the United Kingdom.

(2) The Secretary of State may by regulations remove the designation of a body.

(3) In this Part a "designated body" means a body for the time being designated by regulations under this section. 15

(4) Regulations under this section may amend this Act to insert a Schedule listing the body or bodies designated under this section.

(5) Regulations under this section may amend a Schedule inserted under subsection (4) so as to— 20

(a) add an entry relating to a designated body;

(b) remove or amend an entry relating to a designated body.

(6) If the Secretary of State reasonably believes—

(a) that a body is, or has been, operating wholly or partly under more than one name, or

(b) that two or more bodies are for all practical purposes the same body,

the designation of the body may include alternative names.

(7) Nothing in this section prevents any liability from being established in any proceedings by proof that a body is the same as a designated body, even though the body was operating under a name not included in the designation of the body.

(8) In this section "body" includes any association or combination of persons.

33B The designated body condition

(1) For the purposes of this Part the designated body condition is met in relation to a person's conduct if—

(a) the conduct in question, or a course of conduct of which it forms part, is carried out for or on behalf of a designated body, and

(b) the person knows, or having regard to other matters known to them ought reasonably to know, that to be the case.

(2) The conduct in question, or a course of conduct of which it forms part, is in particular to be treated as carried out for or on behalf of a designated body if—

(a) it is instigated by a designated body,

(b) it is under the direction or control of a designated body,

(c) it is carried out with financial or other assistance provided by a designated body for that purpose, or

(d) it is carried out in collaboration with, or with the agreement of, a designated body.

(3) Subsections (1)(a) and (2) may be satisfied by a direct or indirect relationship between the conduct, or the course of conduct, and the designated body (for example, there may be an indirect relationship through one or more companies).

(4) A person's conduct may form part of a course of conduct engaged in by the person alone, or by the person and one or more other persons.

(5) The designated body condition is also met in relation to a person's conduct if the person intends the conduct in question to benefit a designated body.

(6) The designated body condition may be met in relation to the conduct of a person who holds office in or under, or is an employee or other member of staff of, a designated body, as it may be met in relation to the conduct of any other person.".

2 Offences relating to designated bodies

(1) The National Security Act 2023 is amended as follows.

(2) After section 17 insert—

"Offences relating to designated bodies

17A Supporting a designated body

(1) A person commits an offence if the person—
  (a) invites support for, or expresses an opinion or belief that is supportive of, a designated body, and
  (b) does so for a prohibited purpose.

(2) A person commits an offence if the person—
  (a) arranges, manages or assists in arranging, or managing, a meeting which the person knows is—
    (i) to support a designated body,
    (ii) to further the activities of a designated body, or
    (iii) to be addressed by a person who belongs or claims to belong to a designated body, and
  (b) does so for a prohibited purpose.

(3) A person commits an offence if the person—
  (a) addresses a meeting which the person knows is—
    (i) to support a designated body, or
    (ii) to further the activities of a designated body, and
  (b) does so for a prohibited purpose.

(4) A "prohibited purpose" means a purpose that the person knows, or having regard to other matters known to them ought reasonably to know, is prejudicial to the safety or interests of the United Kingdom.

(5) Subsections (1) to (3) apply to conduct outside the United Kingdom, but apply to conduct taking place wholly outside the United Kingdom only if the person engaging in the conduct—
  (a) is a UK person, or
  (b) acts for or on behalf of, or holds office under, the Crown, or is in Crown employment (whether or not they engage in the conduct in that capacity).

(6) In proceedings for an offence under subsection (2)(a)(iii) in respect of a private meeting it is a defence to show that the person had no reasonable cause to believe that the address mentioned in subsection (2)(a)(iii) would support a designated body or further its activities.

(7) A person is taken to have shown a matter mentioned in subsection (6) if—
  (a) sufficient evidence of the matter is adduced to raise an issue with respect to it, and
  (b) the contrary is not proved beyond reasonable doubt.

(8) A person who commits an offence under this section is liable on conviction on indictment to imprisonment for a term not exceeding 14 years or a fine (or both).

(9) In this section "meeting" means a meeting of three or more persons, whether or not the public are admitted; and a meeting is private if the public are not admitted.

(10) The following terms have the same meaning as in section 3—

"Crown employment";

"UK person".

17B Assisting a designated body

(1) A person commits an offence if the person—

(a) engages in conduct of any kind, and

(b) intends that conduct to materially assist a designated body in carrying out UK-related activities.

(2) A person commits an offence if the person—

(a) engages in conduct that is likely to materially assist a designated body in carrying out UK-related activities, and

(b) knows, or having regard to other matters known to them ought reasonably to know, that their conduct is likely to materially assist a designated body in carrying out UK-related activities.

(3) Conduct that may be likely to materially assist a designated body includes providing, or providing access to, information, goods, services or financial benefits (whether directly or indirectly).

(4) "UK-related activities" means—

(a) activities taking place in the United Kingdom;

(b) activities taking place outside the United Kingdom which are prejudicial to the safety or interests of the United Kingdom.

(5) Subsections (1) and (2) apply to conduct outside the United Kingdom, but apply to conduct taking place wholly outside the United Kingdom only if the person engaging in the conduct—

(a) is a UK person, or

(b) acts for or on behalf of, or holds office under, the Crown, or is in Crown employment (whether or not they engage in the conduct in that capacity).

(6) In proceedings for an offence under this section it is a defence to show that the person engaged in the conduct in question—

(a) in compliance with a legal obligation under the law of the United Kingdom which is not a legal obligation under private law,

(b) in the case of a person having functions of a public nature under the law of the United Kingdom, for the purposes of those functions,

(c) as a lawyer carrying on a legal activity, or

(d) in accordance with, or in relation to UK-related activities carried out in accordance with, an agreement or arrangement to which—

(i) the United Kingdom was a party, or

(ii) any person acting for or on behalf of, or holding office under, the Crown was (in that capacity) a party.

(7) A person is taken to have shown a matter mentioned in subsection (6) if—

(a) sufficient evidence of the matter is adduced to raise an issue with respect to it, and

(b) the contrary is not proved beyond reasonable doubt.

(8) A person who commits an offence under this section is liable on conviction on indictment to imprisonment for a term not exceeding 14 years or a fine (or both).

(9) The following terms have the same meaning as in section 3—

"Crown employment";

"financial benefit";

the "law of the United Kingdom";

"lawyer";

"legal activity";

"UK person".

17C Obtaining etc material benefits from a designated body

(1) A person commits an offence if—

(a) the person—

(i) obtains, accepts or retains a material benefit which is not an excluded benefit, or

(ii) obtains or accepts the provision of such a benefit to another person,

(b) the benefit is or was provided by or on behalf of a designated body, and

(c) the person knows, or having regard to other matters known to them ought reasonably to know, that the benefit is or was provided by or on behalf of a designated body.

(2) A person commits an offence if—

(a) the person agrees to accept—

(i) a material benefit which is not an excluded benefit, or

(ii) the provision of such a benefit to another person,

(b) the benefit is to be provided by or on behalf of a designated body, and

(c) the person knows, or having regard to other matters known to them ought reasonably to know, that the benefit is to be provided by or on behalf of a designated body.

(3) Material benefits may include financial benefits, anything which has the potential to result in a financial benefit, and information.

(4) A material benefit is an excluded benefit if—

(a) it is provided as reasonable consideration for the provision of goods or services, and

(b) the provision of those goods or services does not constitute an offence.

(5) A benefit may be provided by or on behalf of a designated body directly or indirectly (for example, it may be provided indirectly through one or more companies).

(6) Subsections (1) and (2) apply to conduct outside the United Kingdom, but apply to conduct taking place wholly outside the United Kingdom only if—

(a) the material benefit is or was, or is to be, provided in or from the United Kingdom, or

(b) in any case, the person engaging in the conduct—

(i) is a UK person, or

(ii) acts for or on behalf of, or holds office under, the Crown, or is in Crown employment (whether or not they engage in the conduct in that capacity).

(7) In proceedings for an offence under subsection (1) by virtue of retaining a benefit, it is a defence to show that the person had a reasonable excuse for retaining the benefit.

(8) In proceedings for an offence under subsection (1) or (2) it is a defence to show that the person engaged in the conduct in question—

(a) in compliance with a legal obligation under the law of the United Kingdom which is not a legal obligation under private law,

(b) in the case of a person having functions of a public nature under the law of the United Kingdom, for the purposes of those functions, or

(c) in accordance with an agreement or arrangement to which—

(i) the United Kingdom was a party, or

(ii) any person acting for or on behalf of, or holding office under, the Crown was (in that capacity) a party.

(9) A person is taken to have shown a matter mentioned in subsection (7) or (8) if—

(a) sufficient evidence of the matter is adduced to raise an issue with respect to it, and

(b) the contrary is not proved beyond reasonable doubt.

(10) A person who commits an offence under subsection (1) is liable on conviction on indictment to imprisonment for a term not exceeding 14 years or a fine (or both).

(11) A person who commits an offence under subsection (2) is liable on conviction on indictment to imprisonment for a term not exceeding 10 years or a fine (or both).

(12) The following terms have the same meaning as in section 3—

"Crown employment"; 5

"financial benefit";

the "law of the United Kingdom";

"UK person". ".

3 Removal of designation

(1) The National Security Act 2023 is amended as follows. 10

(2) After section 33B (as inserted by section 1(2)) insert—

"Removal of designation

33C Removal of designation: application

(1) An application may be made to the Secretary of State to exercise the power in section 33A to— 15

(a) remove the designation of a body, or

(b) remove an alternative name included in the designation of a body.

(2) An application may be made by—

(a) the designated body, or 20

(b) any person affected by the designation.

(3) The Secretary of State may by regulations make provision about the procedure for applications under this section.

(4) The regulations may—

(a) require the Secretary of State to determine an application within a specified period of time, and 25

(b) require an application to state the grounds on which it is made.

33D Removal of designation: appeal

(1) Where an application under section 33C is refused, the applicant may appeal to the Proscribed Organisations Appeal Commission established under section 5(1) of the Terrorism Act 2000 (referred to in this Part as "the Commission"). 30

(2) The Commission must allow an appeal against a refusal to remove the designation of a body or to remove an alternative name included in the designation of a body if it considers that the decision to refuse was flawed when considered in the light of the principles applicable on an application for judicial review. 35

(3) Where the Commission allows an appeal under this section, it must make an order under this subsection.

(4) Where an order is made under subsection (3) in respect of an appeal against a refusal to remove the designation of a body, the Secretary of State must as soon as is reasonably practicable—

(a) lay before Parliament, in accordance with section 96(6), draft regulations under section 33A removing the designation of the body, or

(b) make regulations under that section removing the designation of the body in accordance with section 96(6A).

(5) Where an order is made under subsection (3) in respect of an appeal against a refusal to remove an alternative name from a designation of a body, the Secretary of State must, as soon as is reasonably practicable—

(a) lay before Parliament, in accordance with section 96(6), draft regulations under section 33A removing the alternative name from the designation, or

(b) make regulations under that section removing the alternative name from the designation in accordance with section 96(6A).

33E Further appeal

(1) A party to an appeal under section 33D which the Commission has determined may bring a further appeal on a question of law to—

(a) the Court of Appeal, if the first appeal was heard in England and Wales,

(b) the Court of Session, if the first appeal was heard in Scotland, or

(c) the Court of Appeal in Northern Ireland, if the first appeal was heard in Northern Ireland.

(2) An appeal under subsection (1) may be brought only with the permission—

(a) of the Commission, or

(b) where the Commission refuses permission, of the court to which the appeal would be brought.

(3) An order under section 33D(3) may not require the Secretary of State to take any action until the final determination or disposal of an appeal under this section (including any appeal to the Supreme Court).

33F Appeal: effect on conviction etc.

(1) This section applies where—

(a) an appeal under section 33D has been allowed in respect of a body,

(b) regulations have been made under section 33A in respect of the body in accordance with an order of the Commission under

section 33D(3) (and, if the regulations were made in reliance on section 96(6A), a resolution has been passed by each House of Parliament under section 96(6B)),

(c) a person has been convicted of an offence in respect of the body under—

(i) any of sections 17A to 17C, or

(ii) any of sections 1, 2, 12, 13, 16 or 18 where the designated body condition was met, and

(d) the conduct to which the charge referred took place on or after the date of the refusal to remove a designation against which the appeal under section 33D was brought.

(2) This section also applies where—

(a) an appeal under section 33D has been allowed in respect of an alternative name included in the designation of a body,

(b) regulations have been made under section 33A in respect of the alternative name in accordance with an order of the Commission under section 33D(3) (and, if the regulations were made in reliance on section 96(6A), a resolution has been passed by each House of Parliament under section 96(6B)),

(c) a person has been convicted of an offence in respect of the body under—

(i) any of sections 17A to 17C, or

(ii) any of sections 1, 2, 12, 13, 16 or 18 where the designated body condition was met, and

(d) the conduct to which the charge referred took place on or after the date of the refusal, against which the appeal under section 33D was brought, to remove an alternative name from a designation of a body.

(3) A person mentioned in subsection (1)(c) or (2)(c) may appeal against the conviction.

(4) An appeal under subsection (3) is to be made—

(a) in the case of a conviction in England and Wales or Northern Ireland, to the Court of Appeal;

(b) in the case of a conviction in Scotland, to the High Court of Justiciary.

(5) On an appeal under subsection (3) to any court, that court must allow the appeal and quash the conviction.

(6) An appeal under subsection (3) to the Court of Appeal against a conviction—

(a) may be brought irrespective of whether the person has previously appealed against the conviction;

(b) must be brought within the period of 28 days beginning with the relevant date;

(c) is to be treated as an appeal under section 1 of the Criminal Appeal Act 1968 or, in Northern Ireland, under section 1 of

the Criminal Appeal (Northern Ireland) Act 1980, but does not require leave in either case.

(7) An appeal under subsection (3) to the High Court of Justiciary against a conviction—

(a) may be brought irrespective of whether the person has previously appealed against the conviction;

(b) must be brought within the period of two weeks beginning with the relevant date;

(c) is to be treated as an appeal under section 106 of the Criminal Procedure (Scotland) Act 1995 for which leave has been granted.

(8) In this section "the relevant date" means—

(a) the date on which the regulations mentioned in subsection (1)(b) or (2)(b) come into force, or

(b) where the regulations are made in reliance on section 96(6A), the date on which they are approved by the second House of Parliament to approve them.

33G Proceedings under the Human Rights Act 1998

The Commission is the appropriate tribunal for the purposes of section 7 of the Human Rights Act 1998 in relation to any proceedings which call into question a decision made by the Secretary of State in relation to an application made under section 33C.

33H Immunity

(1) The following are not admissible as evidence in proceedings for an offence under any of sections 17A to 17C, or under any of sections 1, 2, 12, 13, 16 or 18 where the condition to be met is the designated body condition—

(a) evidence of anything done in relation to an application to the Secretary of State under section 33C,

(b) evidence of anything done in relation to proceedings before the Commission under section 33D or section 7(1) of the Human Rights Act 1998,

(c) evidence of anything done in relation to proceedings under section 33E, and

(d) any document submitted for the purposes of proceedings mentioned in any of paragraphs (a) to (c).

(2) But subsection (1) does not prevent evidence from being adduced by, or on behalf of, the defendant (or, in Scotland, the accused person)."

4 Consequential amendments

(1) The Schedule contains amendments that are consequential on this Act.

(2) The Secretary of State may by regulations make provision that is consequential on any provision of this Act.

(3) The provision that may be made by regulations under subsection (2) includes provision amending primary legislation.

(4) Regulations under this section are to be made by statutory instrument. 5

(5) Regulations under this section which do not contain provision within subsection (3) are subject to annulment in pursuance of a resolution of either House of Parliament.

(6) Regulations under this section which contain provision within subsection (3) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament. 10

(7) In this section "primary legislation" means—

(a) an Act of Parliament,

(b) a Measure or Act of Senedd Cymru,

(c) an Act of the Scottish Parliament, 15

(d) Northern Ireland legislation,

whenever passed or made.

5 Regulations

(1) The National Security Act 2023 is amended as follows.

(2) In section 96 (regulations)— 20

(a) in subsection (4), after paragraph (b) insert—

"(ba) regulations made under subsection (6A);";

(b) in subsection (6), before paragraph (a) insert—

"(za) regulations under section 33A;";

(c) after subsection (6) insert— 25

"(6A) A statutory instrument containing only regulations under section 33A may be made without a draft having been laid before and approved by resolution of each House of Parliament if the Secretary of State is of the opinion that it is necessary by reason of urgency. 30

(6B) Regulations contained in an instrument under subsection (6A)—

(a) must contain a declaration of the Secretary of State's opinion, and

(b) cease to have effect at the end of the period of 40 days beginning with the day on which the instrument is made unless, during that period, the instrument is approved by a resolution of each House of Parliament. 35

(6C) If regulations cease to have effect under subsection (6B)(b) that does not affect anything previously done or the power to make new regulations."; 40

(d) in subsection (9), after "20" insert "or 40";

(e) in subsection (11), after "section" insert "33A,".

6 Extent

(1) This Act extends to England and Wales, Scotland and Northern Ireland, subject to subsection (2). 5

(2) Any amendment, repeal or revocation made by the Schedule to this Act has the same extent as the provision amended, repealed or revoked.

7 Commencement

(1) This Act comes into force on the day on which it is passed.

(2) The power in section 419(1) of the Sentencing Act 2020 (power to state effect of commencement provisions) applies in relation to any amendment or repeal made by or under this Act as it applies in relation to an amendment or repeal made by Schedule 22 to that Act. 10

8 Short title

This Act may be cited as the National Security (State Threats) Act 2026. 15

SCHEDULE

Section 4(1)

CONSEQUENTIAL AMENDMENTS

PART 1

AMENDMENTS OF PRIMARY LEGISLATION

Repatriation of Prisoners Act 1984

1 Part 1 of the Schedule to the Repatriation of Prisoners Act 1984 (operation of certain enactments in relation to the prisoner) is amended as follows.

2 In paragraph 2 (as it applies in Scotland to repatriated prisoners any of whose sentences were imposed on or after 1 October 1993)—

(a) in sub-paragraph (3G)—

(i) in paragraph (b), after "force" insert "or, where the condition to be met is the designated body condition, on or after the day on which the National Security (State Threats) Act 2026 came into force";

(ii) in paragraph (c)(i), for "that section" substitute "section 16 of the National Security Act 2023";

(iii) in paragraph (d), for "that section that the foreign power condition" substitute "section 16 of the National Security Act 2023 that the foreign power condition or the designated body condition";

(b) in sub-paragraph (3H)—

(i) in paragraph (b), after "force" insert "or, where the condition to be met is the designated body condition, on or after the day on which the National Security (State Threats) Act 2026 came into force";

(ii) in paragraph (c)(i), for "that section" substitute "section 21 of the National Security Act 2023";

(iii) in paragraph (d), for "that section that the foreign power condition" substitute "section 21 of the National Security Act 2023 that the foreign power condition or the designated body condition".

3 In paragraph 2A—

(a) in sub-paragraph (4G)—

(i) in paragraph (b), after "force" insert "or, where the condition to be met is the designated body condition, on or after the day on which the National Security (State Threats) Act 2026 came into force";

(ii) in paragraph (c)(i), for "that section" substitute "section 16 of the National Security Act 2023";

(iii) in paragraph (d), for "that section that the foreign power condition" substitute "section 16 of the National Security Act

2023 that the foreign power condition or the designated body condition";

(b) in sub-paragraph (4H)—

(i) in paragraph (b), after "force" insert "or, where the condition to be met is the designated body condition, on or after the day on which the National Security (State Threats) Act 2026 came into force";

(ii) in paragraph (c)(i), for "that section" substitute "section 21 of the National Security Act 2023";

(iii) in paragraph (d), for "that section that the foreign power condition" substitute "section 21 of the National Security Act 2023 that the foreign power condition or the designated body condition".

Criminal Justice Act 1988

4 In the Criminal Justice Act 1988, in section 133(5)(h) (compensation for miscarriage of justice), after "under" insert "section 33D or".

Criminal Procedure (Scotland) Act 1995

5 In the Criminal Procedure (Scotland) Act 1995, in Part 2 of Schedule 5ZB (offences involved or connected with a threat to national security)—

(a) in paragraph 11, after sub-paragraph (g) insert—

"(ga) section 17A (supporting a designated body);

(gb) section 17B (assisting a designated body);

(gc) section 17C (obtaining etc material benefits from a designated body);";

(b) in paragraph 12—

(i) in the heading, after "power" insert "or designated body";

(ii) in sub-paragraph (b), after "condition" insert "or the designated body condition";

(c) in paragraph 14—

(i) in the heading, after "power" insert "or designated body";

(ii) in sub-paragraph (b), after "power" insert "or designated body".

Terrorism Act 2000

6 Schedule 3 to the Terrorism Act 2000 (constitution of the Proscribed Organisations Appeal Commission and procedure) is amended as follows.

7 In paragraph 5—

(a) in sub-paragraph (1)(a), at the end insert "under section 5 or under section 33D of the National Security Act 2023";

(b) in sub-paragraph (3), after "organisations" insert "and bodies";

(c) in sub-paragraph (4)(a)—

(i) after "deproscribe" insert ", or for designation or refusal to remove a designation,";

(ii) for "or applicant concerned and any person representing it or him" substitute ", the body or the applicant concerned and from any person representing the organisation, the body or the applicant";

(d) in sub-paragraph (4)(aa), at the beginning insert "in the case of an appeal under section 5,";

(e) after sub-paragraph (4)(aa) insert—

"(ab) in the case of an appeal under section 33D of the National Security Act 2023, provide for full particulars of the reasons for a refusal to remove an alternative name from a designation of a body to be withheld from the body or applicant concerned and from any person representing the body or applicant;";

(f) in sub-paragraph (4)(e), after "section 6" insert ", or under section 33E of the National Security Act 2023,".

8 In paragraph 6—

(a) in sub-paragraph (1)(a), after "an organisation" insert "or a body";

(b) in sub-paragraph (2), after "the organisation" insert "or body";

(c) in sub-paragraph (3), after "an organisation" insert "or a body".

9 In paragraph 7—

(a) in sub-paragraph (1), after "an organisation" insert ", a body";

(b) in sub-paragraph (4), after "the organisation" insert ", the body".

10 After paragraph 7 insert—

"7A In this Schedule references to a body are to a body designated under section 33A of the National Security Act 2023.".

Criminal Justice Act 2003

11 In the Criminal Justice Act 2003, in Schedule 19ZB (offences where offender not eligible for release at the end of the section 255BA automatic release period)—

(a) in paragraph 8—

(i) after "where foreign power" insert "or designated body";

(ii) after "the foreign power condition" insert "or the designated body condition";

(b) in paragraph 9, after "power" insert "or designated body".

Armed Forces Act 2006

12 In the Armed Forces Act 2006, in section 238(7) (deciding the seriousness of the offence), after "power" insert "or designated body".

Sentencing Code

13 (1) The Sentencing Code is amended as follows.

(2) In section 69A (offences where foreign power condition met)—

(a) in the heading, after "power" insert "or designated body";

(b) in subsection (3), after "condition" insert "or the designated body condition";

(c) for subsection (5) substitute—

"(5) Sections 31 and 33B of the National Security Act 2023 (meaning of foreign power condition and designated body condition) apply for the purposes of this section as they apply for the purposes of Part 1 of that Act.".

(3) In Schedule 13 (special sentence for offenders of particular concern: offences), after paragraph 15(g) insert—

"(ga) section 17A (supporting a designated body);

(gb) section 17B (assisting a designated body);

(gc) section 17C (obtaining etc material benefits from a designated body);".

National Security Act 2023

14 The National Security Act 2023 is amended as follows.

15 In section 1 (obtaining or disclosing protected information), in subsection (1)(c)—

(a) after "condition" insert "or the designated body condition";

(b) for "section 31" substitute "sections 31 and 33B".

16 In section 2 (obtaining or disclosing trade secrets), in subsection (1)(d)—

(a) after "condition" insert "or the designated body condition";

(b) for "section 31" substitute "sections 31 and 33B".

17 In section 12 (sabotage), in subsection (1)(d)—

(a) after "condition" insert "or the designated body condition";

(b) for "section 31" substitute "sections 31 and 33B".

18 In section 13 (foreign interference: general)—

(a) in subsection (1)(b), after "condition" insert "or the designated body condition";

(b) in subsection (2)(b), after "condition" insert "or the designated body condition";

(c) in subsection (3)(b), after "condition" insert "or the designated body condition".

19 In section 16 (foreign interference in elections), in subsection (1)(b)—

(a) after "condition" insert "or the designated body condition";

(b) for "section 31" substitute "sections 31 and 33B".

20 In section 18 (preparatory conduct), in subsection (3)(b), after "condition" insert "or the designated body condition".

21 Before section 19, in the cross-heading, after "power" insert "or designated body".

22 In section 20 (aggravating factor where foreign power condition met: Northern Ireland)—

(a) in the heading, after "power" insert "or designated body";

(b) in subsection (5), after "condition" insert "or the designated body condition".

23 In section 21 (aggravating factor where foreign power condition met: Scotland)—

(a) in the heading, after "power" insert "or designated body";

(b) in subsection (1), after "condition" insert "or the designated body condition";

(c) in subsection (4), after "condition" insert "or the designated body condition".

24 In section 33 (foreign power threat activity and involvement in that activity)—

(a) in subsection (3)—

(i) after paragraph (a)(vii) insert—

"(viii) section 17A (supporting a designated body);

(ix) section 17B (assisting a designated body);

(x) section 17C (obtaining etc material benefits from a designated body);";

(ii) in paragraph (b), after "condition" insert "or the designated body condition";

(iii) in paragraph (c), after "condition" insert "or the designated body condition";

(b) after subsection (4) insert—

"(5) For the purposes of section 33A(1)(a) (designation of bodies involved in foreign power threat activity), this section is to be read as if—

(a) in subsection (3)(a), sub-paragraphs (viii) to (x) were omitted;

(b) in subsection (3)(b), the words "or the designated body condition" were omitted;

(c) in subsection (3)(c), the words "or the designated body condition" were omitted.".

25 In section 34 (interpretation), in subsection (1), at the appropriate places insert—

""the Commission" means the Proscribed Organisations Appeal Commission established under section 5(1) of the Terrorism Act 2000;"

""designated body" has the meaning given by section 33A(3);"

""the designated body condition" has the meaning given by section 33B;"

"designation" means a designation under section 33A;".

PART 2

AMENDMENTS OF SECONDARY LEGISLATION

Criminal Justice (Northern Ireland) Order 2008 (S.I 2008/1216) (N.I.1))

26 In the Criminal Justice (Northern Ireland) Order 2008 (S.I 2008/1216 (N.I.1)), in Schedule 2B (offences involving or connected with a threat to national security)—

(a) after paragraph 3(g) insert—

"(ga) section 17A (supporting a designated body);

(gb) section 17B (assisting a designated body);

(gc) section 17C (obtaining etc material benefits from a designated body);";

(b) in paragraph 4—

(i) in the heading, after "power" insert "or designated body";

(ii) in sub-paragraph (b), after "condition" insert "or the designated body condition";

(c) in paragraph 6—

(i) in the heading, after "power" insert "or designated body";

(ii) in sub-paragraph (b), after "power" insert "or designated body".

Criminal Justice Act 2003 (Requisite and Minimum Custodial Periods) Order 2024 (S.I. 2024/844)

27 In the Criminal Justice Act 2003 (Requisite and Minimum Custodial Periods) Order 2024 (S.I. 2024/844), in the Schedule (excluded offences)—

(a) in paragraph 50—

(i) after "the foreign power condition" insert "or the designated body condition";

(ii) after "where foreign power" insert "or designated body";

(b) in paragraph 52, after "condition" insert "or the designated body condition";

(c) in paragraph 53—

(i) after "the foreign power condition" insert "or the designated body condition";

(ii) after "where foreign power" insert "or designated body";

(d) in paragraph 54—

(i) after "the foreign power condition" insert "or the designated body condition";

(ii) after "where foreign power" insert "or designated body".

National Security (State Threats) Bill

[AS INTRODUCED]

A

B I L L

TO

Make provision for the designation of bodies involved in foreign power threat activity; to create offences relating to bodies designated under this Act; and for connected purposes.

Presented by Secretary Shabana Mahmood
supported by the Prime Minister,
the Chancellor of the Exchequer,
Secretary Yvette Cooper, Secretary Jo Stevens,
Secretary Douglas Alexander,
Secretary Hilary Benn and Dan Jarvis.

Ordered, by The House of Commons, to be Printed, 9th June 2026.

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